

The Honorable Robert B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PACIFIC MARITIME ASSOCIATION,

Plaintiff,

v.

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 4,
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 8,
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 21,
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 40, and
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 92, and
DOES 1 THROUGH 500,

Defendants.

No. 3:11-CV-5714

ORDER GRANTING PMA'S MOTION
FOR CONFIRMATION AND
ENFORCEMENT OF ARBITRATION
AWARDS

This matter came before the Court on Pacific Maritime Association's ("PMA's") Motion for Confirmation and Enforcement of the Arbitration Awards of the Oregon Area Arbitrator's and Coast Arbitrators' awards. Having reviewed the Motion and supporting materials, and any Opposition materials filed, the Court GRANTS PMA's Motion.

Federal labor policy strongly favors the resolution of labor disputes through arbitration. In furtherance of that policy, judicial scrutiny of an arbitrator's decision is *extremely* limited. *Southern Cal. Gas Co. v. Utility Workers Union, Local 132*, 265 F.3d 787, 792 (9th Cir. 2001)

(PROPOSED) ORDER GRANTING PMA'S MOTION
FOR CONFIRMATION AND ENFORCEMENT OF
ARBITRATION AWARDS - 1

Case No. 3:11-CV-5714

00218551.1

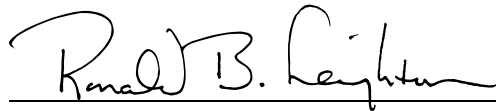
BARRAN LIEBMAN LLP
601 SW SECOND AVENUE, SUITE 2300
PORTLAND, OR 97204-3159
PHONE (503) 228-0500 FAX (503) 274-1212

1 (emphasis in original). Provided he/she is acting with the scope of his/her authority, and the
2 arbitrator has “even arguably” applied the contract rather than applied his/her own notions of
3 industrial justice, courts do not overturn an arbitrator’s decision, unless the award violates public
4 policy. *Id.* (citing *Eastern Associated Coal Corp. v. Mine Workers*, 531 U.S. 57, 62 (2000)).
5 “As long as the arbitrator’s award ‘draws its essence from the collective bargaining agreement,’
6 and is not merely ‘his own brand of industrial justice,’ the award is legitimate.” *United Paper*
7 *Workers International Union, et al. v. Misco, Inc.*, 484 U.S. 29, 36 (1987) (quoting *Steelworkers*
8 *v. Enterprise Wheel & Car Corp.*, 363 U.S. 593, 596 (1960)).

9 Applying these standards, it is clear that the arbitrators’ awards at issue in this case
10 cannot be overturned by this Court. Accordingly, PMA’s Motion is GRANTED. The Oregon
11 Area Arbitrator’s Award dated September 7, 2011, a copy of which is attached hereto as Exhibit
12 A, shall be confirmed and enforced against defendant International Longshore and Warehouse
13 Union Local 92. The Coast Arbitrator’s Award dated September 7, 2011, a copy of which is
14 attached hereto as Exhibit B, shall be confirmed and enforced against defendants International
15 Longshore and Warehouse Union Locals 4, 8, 21, and 40. In accordance therewith, the
16 Defendant Unions have the duty and responsibility to stop the subject work stoppages.

17 IT IS SO ORDERED.

18 DATE: October 11, 2011.

19 
20

21 RONALD B. LEIGHTON
22 UNITED STATES DISTRICT JUDGE
23
24
25
26

1 Presented by:

2 /Richard F. Liebman

3 Richard F. Liebman

4 WSBA No. 36019

5 BARRAN LIEBMAN LLP

6 601 SW Second Ave. Ste. 2300

7 Portland, OR 97204

8 Tel: 503-228-0500

9 Fax: 503-274-1212

10 *Attorneys for Plaintiff Pacific Maritime Association*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

(PROPOSED) ORDER GRANTING PMA'S MOTION
FOR CONFIRMATION AND ENFORCEMENT OF
ARBITRATION AWARDS - 3

Case No. No. 3:11-CV-5714

00218551.1

BARRAN LIEBMAN LLP
601 SW SECOND AVENUE, SUITE 2300
PORTLAND, OR 97204-3159
PHONE (503) 228-0500 FAX (503) 274-1212